

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: June 25, 2004
)	
James Simmons)	DOCKET NO.: 03F-186
Supervisory Investigator)	
Child and Family Services Agency)	
14310 Bald Hill Court)	
Burtonsville, Maryland 20866)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (OCF) based upon respondent's motion for reconsideration (Motion) of the Order of the Director issued on October 31, 2003. On October 31, 2003, the Director entered an Order in this matter which imposed a fine of \$2,000.00 for failure to timely file a Financial Disclosure Statement (FDS) on or before June 19, 2003 for calendar year 2002. On November 19, 2003, respondent filed the Motion.

Summary of Evidence

In the Motion, respondent states that he filed an initial Financial Disclosure Statement timely, which apparently was not received by OCF. The Director's Order provided for the suspension of the fine upon OCF's receipt of a fully executed FDS. Respondent filed a fully executed FDS dated November 12, 2003 with OCF on November 19, 2003.

Findings of Fact

Having reviewed the respondent's motion and the record herein, I find that:

1. On November 19, 2003, respondent filed a fully executed Financial Disclosure Statement with OCF.
2. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record and evidence herein, I therefore conclude:

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1. Respondent violated D.C. Official Code §1-1106.02.
2. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
3. Respondent's compliance with the provisions of the Director's Order constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.